

Stop the bondsmen's relief act

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The Bail Bondsmen's Support and Relief Act is moving — faster than a fleeing felon — toward approval in the Florida Legislature.

The progress of this special-interest legislation should be arrested — quickly, before Floridians pay unnecessary costs.

The legislation is officially and innocuously identified as Senate Bill 1398 and House Bill 1379. Yet it is overtly and shamelessly intended to protect the turf — and increase the revenues — of multimillion-dollar bail-bond industry and its benefactors in banking and insurance.

Just as concerning, the bills — sponsored by Sen. Ellyn Bogdanoff, R-Fort Lauderdale, and Rep. Chris Dorworth, R-Lake Mary — would eliminate or severely restrict beneficial local government "pre-trial" programs.

For instance, according to the bills, defendants with incomes over a moderate level would be prevented from participating in pre-trial services. These people could only get out of jail if they were: released, by a judge, on their own recognizance; posted the entire amount of bail with the court; or, more likely, paid a bondsman a nonrefundable premium of 10 percent of the bail and put up collateral, such as a house or car. What's more, defendants who had ever been charged with even a single count of failing to appear in court would be required to use a bondsman to get out of jail.

Dorworth, who aspires to be speaker of the House, claims the pre-trial programs have overreached their purpose and are "in direct competition with private interests."

Dorworth is the one overreaching.

Twenty-eight counties — including Manatee and Sarasota — have pre-trial programs. That's less than half of the state's counties.

Programs' positive effects

Here are some other numbers to put the role of pre-trial programs in perspective: In Sarasota County during 2010, 11,000 people were arrested and booked into the county jail — and then

released before trial. Of those, 59 percent used a bonding company to gain release. In comparison, 14 percent were admitted into the pre-trial release program. The balance of people were either released on their own recognizance (6 percent) or placed in the custody of other agencies (or the parents of juveniles).

In other words, bonding companies handled — and profited from — the majority of releases, while pre-trial services maintained a limited role.

Bonding companies, according to Justice Department studies, have good records of ensuring that the people they bail out of jail appear for hearings and trials.

The appearance rates of individuals involved in the 28 pre-trial programs in Florida are mixed.

Yet, last year in the 12th Judicial Circuit — which includes Manatee and Sarasota counties — only 5 percent of the participants failed to appear and 6 percent had their releases revoked for re-arrest, landing them back in jail. Those numbers provide an admirable record, especially when combined with the other positive effects.

By implementing pre-trial services programs, counties have:

- Maintained the size of the county jail populations at manageable levels, thereby lowering the costs to taxpayers of caring for inmates and reducing the need to build additional detention facilities.

- Enabled defendants who can't afford to pay a bail bondsman or provide adequate collateral to be released from jail — with conditions — before their cases are disposed by the legal system.

Instead of spending their time before trial or disposition in jail, at taxpayers' expense, released defendants can return to work, if they have jobs, so they can pay both taxes and their bills. Instead of paying nonrefundable premiums to bonding companies, released defendants can use that money to stay out of deeper financial trouble.

- Provided more active supervision of the defendants while they are out of jail — through monitoring, drug testing and such — than they would normally receive after being bailed out.

Many judges are particularly concerned about the bills because they would reduce the number of defendants interviewed by pre-trial staff before "first appearance" hearings. During those hearings, judges must determine whether — and under what circumstances — detainees will be released; in the absence of information from pre-trial services staff, judges will be hindered in their decision-making and more likely to make errors that could threaten public safety.

Small costs, big savings

Bonding companies have a point: They ensure that people show up in court, without cost to taxpayers. But the companies and their supporters fail to recognize the small costs of pre-trial services and the substantial savings and benefits they provide.

What is more, Florida law clearly favors pre-trial releases based on non-monetary conditions. The law states: "It is the intent of the Legislature to create a presumption in favor of release on non-monetary conditions for any person who is granted pre-trial release ..."

The passage of Senate Bill 1398 and House Bill 1379 would undermine that sensible presumption of the Legislature.

Support for the bills also ignores the opposition clearly voiced by associations representing Florida's county commissions, sheriffs, state prosecutors and public defenders.

Dorworth arrogantly dismissed those groups and their duly elected members as bureaucrats who've been asked "not to compete against private industry."

The fact is, the bills seek to protect the bail-bond industry from "competition" provided by successful alternatives.

In a House Judiciary Committee meeting, Rep. Greg Steube, a Republican whose district includes part of Manatee and Sarasota counties, weighed the valid concerns of local governments and, to his credit, opposed the bill. Unfortunately, Rep. Ray Pilon, R-Sarasota — a former county commissioner — voted in favor.

Both bills are scheduled for floor votes soon. We urge Pilon to recognize his misjudgment, trust that Steube will hold firm to his principled stance — and hope the entire delegation representing our region votes against the Bail Bondsmen's Support and Relief Act.